

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Susan D. Wigenton
v. : Criminal No. 08-132 (SDW)
JACK MELMAN, : ORDER
a/k/a "Yaakov Melman"

This matter having come before the Court on the application of the United States of America (Paul J. Fishman, United States Attorney for the District of New Jersey, by Anthony Moscato, Assistant United States Attorney) for an Order compelling defendant Jack Melman, a/k/a "Yaakov Melman" (hereinafter the "defendant") to provide affidavits and records, as more specifically set forth below, by **Tuesday, August 10, 2010, at 5:30 p.m.**, the Court makes the following findings:

1. On or about September 17, 2009, the defendant pleaded guilty to tax evasion, in violation of Title 26, United States Code, Section 7201 and Title 18, United States Code, Section 2. On July 30, 2010, approximately ten months after he entered his plea, the defendant, through counsel, filed a motion to withdraw his guilty plea under Fed. R. Crim. P. 11(d)(2)(B).

2. In the defendant's motion, the defendant alleged that on the date he entered his plea he was mentally incompetent.

3. The defendant's motion was accompanied by a letter from Dr. Boris Borodulin (hereinafter the "Letter"), but the defendant's motion was not supported by any affidavits, signed under penalty of perjury, by the defendant, his doctor, or other witnesses.

4. At the time he entered his plea, the defendant operated a business that sold medical supplies.

5. The defendant represented to the Court that he was prescribed a variety of medications, as set forth in his Permission to Enter Plea of Guilty form (Dkt#62).

6. The Court has scheduled the hearing pertaining to the defendant's motion to withdraw his plea for Friday, August 13, 2010.

It is, therefore, on this 5th day of August, 2010

ORDERED that the defendant will provide to the United States and the Court an affidavit, certified and signed under penalty of perjury, from the defendant in support of his motion to withdraw his plea;

IT IS FURTHER ORDERED that the defendant will provide to the United States and the Court an affidavit, certified and signed under penalty of perjury, from Dr. Boris Borodulin setting forth the bases of his opinion and the facts underlying his opinion, as reflected in the Letter; and his education, training, experience, and medical credentials;

IT IS FURTHER ORDERED that, under Title 28, United States Code, Section 1651, the defendant will produce to the United States the following:

1. All of the defendant's business records from between August and October 2009, including but not limited to Ortho Med Distributors, Inc. and any other businesses that the defendant owned, operated, or was employed by, including but not limited to his payroll records, checks drawn on any business accounts, personal checks, invoices, purchase orders, emails, internet postings (including with salesandmarketingnetwork.com) and similar records; and

2. All of the defendant's medical records related to his medical condition(s) underpinning his claim of incompetency, from between January and December 2009, including records of treatment, doctor visits, payment of services, and diagnoses, and prescriptions (and the receipt and payment of such prescriptions);

IT IS FURTHER ORDERED that the defendant will comply with this Order by **Tuesday, August 10, 2010, at 5:30 p.m.**

s/Susan D. Wigenton
HON. SUSAN D. WIGENTON
United States District Judge